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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,579	07/22/2004	Kevin Ting	IACP0047USA	4578
27765	7590	09/29/2008	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			LIN, JASON K	
			ART UNIT	PAPER NUMBER
			2623	
			NOTIFICATION DATE	DELIVERY MODE
			09/29/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/710,579	<b>Applicant(s)</b> TING, KEVIN	
	<b>Examiner</b> JASON K. LIN	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is responsive to application No. 10/710,579 filed on 07/03/2008.

**Claims 1-13** are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Although a new ground(s) of rejection has been made, the examiner deems it necessary to provide a response to some of applicant's remarks.

In response to applicant's remarks on P.4: line 18 - P.5: line 3, the examiner respectfully disagrees. The portions of paragraph 0010 that the applicant is relying upon, the examiner has not relied upon in the rejection of the claimed limitations. The examiner is specifically relying on the interfaces video input 204, NTSC Decoder 208, and Audio code 212 of Fig.2, which has inputs Digital video IN 202, NTSC video IN 206, and Audio IN 210 in Fig.2 from Estevez. Paragraph 0010 as cited by the applicant states that audio/video signals are received from a personal computer, however this is just one of the variety of input sources. Looking more specifically into the specification of Estevez, as cited by the examiner in Paragraph 0013 it clearly states that via a USB interface 234-Fig.2 digital audio and video data can be received directly from a personal computer 104. However, the examiner has not relied on the USB interface 234 at all in the office action for reception of audio/visual data to the device, therefore applicant's arguments are moot. Paragraph 0010 teaches that the video playback device 102 may interface with a variety of input sources, but does not explicitly teach that one of these

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input sources is an antenna and the input signal being a radio signal, for which Wendelrup was brought in to teach. The combination of Estevez and Wendelrup teach the claimed limitations.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7 and 11-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez (US 2003/0091325) in view of Wendelrup (US 2002/0066115).

Consider **claim 1**, Estevez teaches a portable device for watching TV programs (Fig.2) comprising:

a receiving module for receiving an input signal (204, 208, 212 - Fig.2; Paragraph 0013 teaches that the audiovisual signals can be received by the portable device's interface);

a first decoding module connected to the receiving module for decoding the input signal and outputting a first decoded signal (204, 208, 212 - Fig.2; Paragraph 0013-0014 teaches NTSC or PAL signals are input to NTSC/PAL decoder interface 208, where after reception of the signals through the interface, the signals are acted upon by the CPU 220. *Therefore, the received NTSC or*

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*PAL signal is passed through the NSTC/PAL decoder which effectively decodes the signal and passes it on to the CPU for further processing);*

an encoding module comprising an input and an output, the input receiving a signal, the encoding module being used to encode the signal, the output outputting a digital signal (Paragraph 0014);

a storing module connected to the output of the encoding module, the storing module being used for storing the digital signal output from the encoding module (storage device 232-Fig.2; Paragraph 0014); and

a displaying module connected to the first decoding module for transforming the first decoded signal or a second decoded signal output from the first decoding module into an audio/video signal and displaying the audio/video signal (video display 253-Fig.3; Paragraph 0015).

Estevez does not explicitly teach the receiving module comprising an antenna and the input signal being a radio signal;

In an analogous art Wendelrup teaches, a receiving module comprising an antenna and an input signal being a radio signal (antenna 2 - Fig.1; Paragraph 0029, 0034, 0038);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Estevez's system to include receiving module comprising an antenna and an input signal being a radio signal, as taught by Wendelrup, for the advantage of providing users quick and easy access to various programming entertainment in any area that encompasses the range of over the air

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transmission of programming, and utilizing a robust and widely used mode of transmission providing known proven results.

Consider **claim 2**, Estevez and Wendelrup teach an AD converter connected to the receiving module for transforming an analog signal into a digital signal (Estevez - Paragraph 0013 teaches the reception of NTSC or PAL format video signals 206 {analog signal}. Paragraph 0014 teaches the CPU 220 is further operable to compress the input into formats such as MPEG1, MPEG2, or MPEG4 {digital signal}).

Consider **claim 3**, Estevez and Wendelrup teach wherein the signal received by the input of the encoding module is the decoded signal output by the first decoding module or the digital signal output from an AD converter (Estevez - Paragraph 0014 teaches the CPU 220 receiving audiovisual information through interfaces NTSC/PAL decoder interface 208).

Consider **claim 4**, Estevez and Wendelrup teach a second decoding module connected to the storing module and the displaying module, for decoding the digital signal stored in the storing module and outputting the second decoded signal (Estevez - Paragraph 0012 teaches retrieving compressed audiovisual data from storage device 232 and is decompressed by CPU 220. Paragraph

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0015 teaches retrieving and passing the video signal to the video controller 240 and then output to a display 253).

Consider **claim 5**, Estevez and Wendelrup teach wherein the displaying module comprises a display (Estevez - Paragraph 0015 teaches a display 253-Fig.2).

Consider **claim 6**, Estevez and Wendelrup teach wherein the displaying module comprises a speaker (Estevez - Paragraph 0015 teaches an audio signal output to an audio speaker 255-Fig.2).

Consider **claim 7**, Estevez and Wendelrup teach wherein the encoding module encodes a signal according to the MPEG4 codes (Estevez - Paragraph 0014 teaches the CPU 220 is operable to compress the input signal into a native format such as MPEG4).

Consider **claim 11**, Estevez and Wendelrup teach an output port, which is connected to the encoding module, for outputting the digital signal of the encoding module (Estevez - Paragraph 0016 teaches the CPU 220 can encode the data and can pass the compressed data through the USB interface 234 to a personal computer 104 or to a networking hub).

Consider **claim 12**, Estevez and Wendelrup teach wherein the output port is a USB port (Estevez - 234-Fig.2; Paragraph 0016 teaches the CPU 220 can encode the data and can pass the compressed data through the USB interface 234 to a personal computer 104 or to a networking hub).

Consider **claim 13**, Estevez and Wendelrup teach a transmitter, connected to the encoding module, for transmitting the digital signal of the encoding module (Estevez - 234-Fig.2; Paragraph 0016 teaches the CPU 220 can encode the data and can pass the compressed data through the USB interface 234 to a personal computer 104 or to a networking hub).

5. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez (US 2003/0091325), in view of Wendelrup (US 2002/0066115), and further in view of Parry et al. (US 2004/0068743).

Consider **claim 8**, Estevez and Wendelrup teach the portable device of claim 1 (Estevez - Fig.2; Paragraph 0013-0015), but do not explicitly teach that the portable device is a PDA.

In an analogous art Parry teaches, a portable device is a PDA (Paragraph 0020).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Estevez and Wendelrup to include a portable device is a PDA, as taught by Parry, for the advantage of providing the user with exceptional capabilities at their disposal, providing users with a multi-purpose



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device that provides additional capabilities without the burden of having to carry multiple devices that specifically perform a single function, granting users with a more versatile device.

6. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Estevez (US 2003/0091325), in view of Wendelrup (US 2002/0066115), and further in view of Seong (US 2004/0056985).

Consider **claim 9**, Estevez and Wendelrup teach the portable device of claim 1 (Estevez - Fig.2; Paragraph 0013-0015), but do not explicitly teach that the portable device is a mobile phone.

In an analogous art Seong teaches, a portable device is a mobile phone (Fig.1; Paragraph 0023, 0028).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Estevez and Wendelrup to include a portable device is a mobile phone, as taught by Seong, for the advantage of providing with a multi-purpose device that provides users additional capabilities without the burden of having to carry multiple devices that specifically perform a single function, granting users with a more versatile device.

Consider **claim 10**, Estevez and Wendelrup teach the receiving module (Estevez - 204, 208, 212 - Fig.2; Paragraph 0013 teaches that the audiovisual

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signals can be received by the portable device's interface), but does not teach further comprises a TV tuner for tuning an input signal to a frequency band.

In an analogous art Seong teaches, a TV tuner for tuning an input signal to a frequency band (Paragraph 0027, 0031).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Estevez and Wendelrup to include a TV tuner for tuning an input signal to a frequency band, as taught by Seong, for the advantage of providing the user with available broadcast television programming selections over the air, providing the user with more portable program viewing in real time.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

09/18/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623